

EMERY CELLI BRINCKERHOFF ABADY WARD & MAAZEL LLP

January 16, 2025

*Via ECF*

Hon. Ona T. Wang  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

The Court deems the motion at **ECF 60 WITHDRAWN**. Plaintiffs' request to submit a joint status letter by February 18 at **ECF 63** is **DENIED**. The parties will file a joint status letter on the last business Friday of each month. (See ECF 55).

**SO ORDERED.**



Ona T. Wang  
U.S.M.J.

Jan. 21, 2025

*Re: Bronx Public Admin. as Admin. of the Estate of Jose Mejia Martinez v.  
The City of N.Y., et al., No. 23 Civ. 4882 (GHW) (OTW)*

Dear Judge Wang:

Our firm represents Plaintiff Bronx County Public Administrator as Administrator of the Estate of Jose Mejia Martinez, in the above-referenced action.

We write to advise the Court that New York State Attorney General's Office of Special Investigation's ("OSI") has concluded its investigation into Mr. Mejia Martinez's death on June 10, 2021, while incarcerated on Rikers Island. The conclusion of OSI's criminal investigation moots the pending motion to stay discovery filed by Defendants Smith and Padilla. See ECF 60.

According to its *Report on the Investigation into the Death of Jose Mejia Martinez* publicly issued today, OSI determined that criminal charges should not be pursued against the correction officers staffed on Mr. Mejia Martinez's unit on the day of his death. OSI's report did conclude that Defendant Padilla failed to call a medical emergency and failed to take any other action to assist Mr. Mejia Martinez, such as administering Narcan. See <https://ag.ny.gov/press-release/2025/attorney-general-james-office-special-investigation-releases-report-death-jose>.

Plaintiff's counsel has advised Mr. Burns, counsel for Defendants Padilla and Smith, as well as Assistant Corporation Counsel John Doody, counsel for the City Defendants, that OSI's investigation is now concluded. Plaintiff also today requested that Mr. Burns provide dates for the depositions of Defendants Smith and Padilla so those may be promptly completed within the next thirty days.

Plaintiff requests that parties be permitted to provide the Court with a joint status update regarding the status of discovery and settlement discussions, if any, following the completion of those two outstanding depositions, by no later than February 18, 2025.

Respectfully submitted,

/s/

Katherine Rosenfeld

c: All counsel (via ECF)